

INTERNAL USE ONLY

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Thursday - 4 April 1974

1. (Internal Use Only - PLC) Carolyn Havel, Assistant to Vince Rakestraw, Assistant Attorney General for Legislative Affairs, called in behalf of Rakestraw to advise us that Justice, in its report to OMB, is opposing our proposed legislation amending the National Security Act of 1947 to provide greater protection to intelligence sources and methods. The Criminal Division objects on the grounds that present law allows for prosecution; the proposal is too broad as to those classes of persons covered; and the penalties are too severe. A copy of the Justice report to OMB will be sent to us. Havel added that the Justice position is not final and they would certainly be open to discussion with the Agency to come up with a workable proposal. I inquired as to Justice's position on S. 2543; Havel said she would have Malcolm Hawk call.

2. (Internal Use Only - PLC) Malcolm Hawk, Deputy Assistant Attorney General, called to inform us as to Justice's handling of S. 2543, which amends the Freedom of Information Act. Hawk said that Justice is dealing with each of the members of the Judiciary Committee, including Senator Edward M. Kennedy (D., Mass.), to come up with a workable bill. As concerns overruling the Patsy Mink case, Hawk stated that they are still pressing to include exemption (b)(1) (classified information) from the in camera court review. Their fall-back position will be to press for a criteria for the court review if exemption (b)(1) is not excluded. I explained our position and proposal to amend S. 2543 to exclude exemption (b)(3) (matters specifically exempt from disclosure by statute) from the court review, as well as our criteria of "arbitrary and capricious." Hawk stated that Robert L. Saloschin of his staff is coordinating the agencies' positions. He suggested that we contact Saloschin to assure that our positions are consistent [redacted] (advised). Hawk stated that it was agreed at the White House that each agency should contact those members of the Judiciary Committee whom they feel best understand and appreciate their problem. He suggested that the Agency definitely contact Senator McClellan (D., Ark.), as he is a key figure on the Committee and his position at this time is not clear. I queried Hawk as to whether or not the Justice Department would be submitting written comments on S. 2543, since I understood Senator Roman L. Hruska (R., Neb.) was preparing a minority report. Hawk said that Justice would not be submitting written comments and he was unaware of a minority report. He hoped that a compromise could be reached to the satisfaction of the full Judiciary Committee.

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